LAWES AND ORDINANCES OF WARRE,

Established for the better conduct of the SERVICE in the Northern parts.

BY

HIS EXCELLENCE

The Earle of *Northumberland*,

Lord Generall of His MAJESTIES ARMIE and FLEET.

LONDON:
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HONI SOIT QVI MAL Y PENSE
ESPERANCE EN DIEV

ALGERNOUN, Earle of *Northumberland*, Lord of the Honors of *Cockermouth*, and *Petworth*, Lord *Percy*, *Lucie*, *Poynyngs*, *Fitz-pain*, *Brian*, and *Latimer*; Lord high Admirall of *England*, Knight of the moſt Noble Order of the Garter, One of His Majeſties moſt Honorable Privie Councell, and Captain Generall of His Majeſties Armie and Fleet imployed in this preſent expedition.

To all Officers of the Armie, Colonels, Lieutenant Colonels, Sergeant

Majors, Captains, other Officers and Souldiers of Horſe and Foot: And all his Majeſties Subjects, and others, whom theſe Laws and Ordinances enſuing ſhall concern; Which Laws and Ordinances hereby publiſhed, all the ſaid perſons reſpectively and ſeverally, are required and commanded to ſwear unto, and to obſerve and keep on the pains and penalties therein expreſſed.

Lawes and Ordinances of Warre.

Of duties to GOD.

1

FIrst, let no man presume to blaspheme the holy and blessed Trinitie; God the Father, God the Son, and God the holy Ghost; nor the known Articles of Christian Faith; Upon pain to have his tongue boared with a red-hot iron. Blasphemy.

2

Unlawfull oathes and execrations, and scandalous acts in derogation of Gods honour, shall be punished with losse of pay, and other punishments at discretion. Cursing.

In

3

Profaning of Churches. In the same manner shall be punished all those who abuse and profane places and utensils dedicated to Gods publike worship, or wrong his Ministers.

4

Neglecting of divine Service. All those who often and wilfully absent themselves from Sermons, and Morning and Evening prayer, shall be proceeded against at discretion.

Of duties to King and State.

1

Traiterous words. NO man shall use any traiterous words against his Majesties sacred person, or Royall authority, upon pain of death.

2

Intelligence with the enemy. All such as shall practise and entertain intelligence with the enemy, by any manner of means or slights, or have any communication with them, without direction from my Lord Generall, shall be punished as Traitours and Rebels.

3

Relief of the enemy. No man shall relieve the enemy with money,

money, victuall, ammunition; neither harbour, or receive any such, upon pain of death.

4

Whosoever yeeldeth up any Town, Fort, Magazine, victuals, armes, ammunition, or that motioneth any such thing but upon extremity, and that to the Governour, or in Councell, shall be executed as a Traitor. Yeelding up of Forts.

5

Whosoever shall be convicted to do his Majesties service negligently and carelesly, shall be punished at discretion. Careleſſe ſervice.

6

Whosoever shall presume to violate his Majesties saveguard, shall die without mercy. Violating of ſaveguard.

Of Duties towards Superiors and Commanders.

1

WHosoever shall use any words tending to the life or dishonour of the Lord Generall, shall be punished with death. Violating of the Lord Generall.

2

No man shall presume to quarrell with his Quarrelling with Officers.

 superior

superiour Officer, upon pain of casseering, and arbitrary punishment; nor to strike any such, upon pain of death.

3

Departing from Captains and Masters.

No Souldier shall depart from his Captain, nor Servant from his Master without licence, though he serve still in the Army, upon pain of death.

4

Silence in the Army.

Every private Man and Souldier, upon pain of imprisonment, shall keep silence when the Army is to take lodging, or when it is marching or imbattayling; so as the Officers may be heard, and their commandments executed.

5

Resisting against correction.

No man shall resist, draw, lift, or offer to draw, or lift his weapon against an Officer correcting him orderly for his offence, upon pain of death.

6

Vnlawfull assemblies.

No persons shall make any unlawfull Assembly, or be present or assisting thereunto, or in, or by them demand their pay, upon pain of death.

7

Resisting of the Provost Marshall.

No man shall resist the Provost-Marshall, or

or any other Officer in the execution of his office, or break prison, upon pain of death.

6

None shall utter any words tending to sedition and uprore, or mutinie, upon pain of death. Seditious words.

7

The same punishment shall be inflicted upon them, who after they have heard mutinous speeches, acquaint not their Commanders with them. Concealing of mutinous speeches.

8

Whosoever shall receive an injurie, and shall take his own satisfaction, shall be punished by imprisonment, and as it shall be thought fit by the Marshall Court. But he that is injured, shall be bound, if he do not forgive the injury, to seek reparation by complaint to his Captain, or Colonell, or other superior Officer, and it shall be given him in ample manner. Revenging of injuries.

Of duties Morall.

1

DRunkennesse in an Officer shall be punished with losse of place. In a common Souldier, Drunkennesse.

Souldier, with ſuch penalties as a Court Marſhall ſhall think fit.

2.

Vnnaturall abuſes. Rapes, raviſhments, unnaturall abuſes ſhall be puniſhed with death.

3

Adultery. Adultery, fornication, and diſſolute laſciviouſneſſe, ſhall be puniſhed at diſcretion according to the quality of the offence.

4

Theft. Theft and robbery, exceeding the value of twelve pence, ſhall be puniſhed with death.

5

Provoca. No man ſhall uſe reproachfull or provoking words, or acts to any, upon pain of impriſonment, and ſuch further puniſhment as ſhall be thought fit to be inflicted upon enemies of diſcipline and ſervice.

6

Seazing on dead mens goods. No man ſhall take or ſpoile the goods of him that dieth, or is kill'd in ſervice, upon pain of reſtoring double the value, and arbitrarie puniſhment.

7

Murther. Murther ſhall be expiated with the death of the murtherer.

Of

Of a Souldiers duty touching his Armes.

1

ALL Souldiers coming to their Colours to watch, or to be exercised, shall come fully armed, upon pain of severe correction. Full Armour.

2

None shall presume to appear with their Armes un-fix or undecently kept, upon pain of arbitrarie correction. Slovenly Armour.

3

If a Trooper shall loose his Horse or Hackney; or a Foot man any part of his Armes by negligence or lewdnesse, by dice or cards: He, or they, shall remain in qualitie of Pioners and Scavengers, till they be furnish'd with as good, as were lost, at their own charge. Loosing of Horses or Armes.

4

No Town or Countrey-man shall presume to buy or take to pawne an Horse, or Armes, or furniture of Tents and Hutts, of any Souldier, upon pain of forfeiting the double value thereof, and to be punish'd at discretion: And the Souldier giving them to pawn, shall suffer a severe punishment. Pawning of Armes.

5

Wilfull spoiling of Horses.

If a trooper shall spoile his Horse willingly, of purpose to be rid of the service; he shall lose his Horse, and remain in the camp for Pioner.

6

Borrowed Arms.

If one borrows Arms of another to passe the Muster withall; the borrower shall be rigorously punished, and the lender shall forfeit his goods.

7

Imbezeling of ammunition.

None shall presume to spoil, sell or carry away any ammunition delivered unto him, upon pain of death.

Of dutie in Marching.

1

Waste and extortion.

NOne on their march thorow the Countreys, under his Majesties obedience, shall waste, spoil, or extort any victuals, money, or pawn from any subject, upon no pretence of want whatsoever: but shall pay for their meat and drink the usuall rates, upon pain of death.

2

Taking of Horses out of the Plough.

No souldier shall presume, upon no occasion, what-

whatsoever, to take an horse out of the Plough, or to wrong the husbandmen in their persons, or cattell, or goods, upon pain of death.

3

No Souldier either horse or foot, shall presume in marching to straggle from his troup or company, or to march out of his rank, upon pain of death. Straggling from the Colours.

4

No Souldier shall presume in marching or lodging, to cut down any fruit-trees, or to deface or spoil walks of trees, upon pain of severe punishment. Spoiling of trees.

Of duties in the Camp and Garrison.

1

NO man shall depart a mile out of the Army or Camp without licence, upon pain of death. Swarving from the Camp.

2

No man shall enter or go out of the Army but by ordinary wayes upon pain of death. Going in or out by by-wayes.

3

No man shall presume to draw his sword, without order, after the Watch is set, upon pain of death. Drawing of swords after setting of the Watch.

No

4

Giving a false Alarm

No man shall give a false Alarm or discharge a Peece in the night, or make any noise without a lawfull cause, upon pain of death.

5

Drawing of swords in a quarrell.

No man shall draw any sword in private quarrell within the Camp, upon pain of death.

6

Revealing the watchword.

He that makes known the Watchword without order, or gives any other word but what is given by the officer, shall die for it.

7

Offering violence to victuallers.

No man shall do violence to any that bring victuals to the Camp, upon pain of death.

8

Speaking with the enemies messengers.

None shall speak with a Drum or Trumpet, or any other sent by the enemy, without order, upon pain of punishment at discretion.

9

A Sentinell asleep or drunk.

A Sentinell or Perdue found asleep, or drunk, or forsaking their place before they be drawn off, shall die for the offence without mercy.

10

Failing at the Rendezvous.

No man shall faile wilfully to come to the Rendezvous or Garrison appointed him by the Lord Generall, upon pain of death.

No

11

No man that carries Armes, and pretends to be a Souldier, ſhall remain three dayes in the Army without being inrolled in ſome Company, upon pain of death. Remaining unrolled in in the Army.

12

No man that is inrolled ſhall depart from the Army or Garriſon, or from his Colours, without licence, upon pain of death. Departing without leave.

13

No private Souldier ſhall out-ſtay his Paſſe, without a Certificate of the occaſion, under the hand of a Magiſtrate at the next muſter, upon pain of loſing his pay during all the time of his abſence. Outſtaying a Paſſe.

14

He that abſents himſelf when the ſigne is given to ſet the watch, ſhall be puniſhed at diſcretion; either with bread and water in priſon, or with the woodden Horſe. Abſenting from the Watch.

15

Whoſoever ſhall expreſſe his diſcontent with the quarter given him in Camp or Garriſon, ſhall be puniſhed as a Mutineer. Diſcontented with their quarter.

16

No Officer of what quality ſoever, ſhall go out Lying or Supping out of the quarter.

out of the quarter to dinner or ſupper, or lie out all night, without making his Superiour Officer acquainted, upon pain of caſſeering.

17

Keeping of the quarters clean.

All officers whoſe charge it is, ſhall ſee the quarters kept clean and ſweet, upon pain of ſevere puniſhment.

Of duties in Action.

1

Repairing to the Colours upon an Alarme.

NO man ſhall faile immediately to repaire unto his Colours (except upon evident neceſſity) when an Alarme is given, upon pain of death.

2

Flying.

No man ſhall abandon his Colours, or flie away in any battell, upon pain of death.

3

Flinging away defenſive Arms.

If a Pikeman throw away his Pike, or a Muskettier his Musket or Bandelier: he or they ſhall be puniſhed with death.

4

Burning and waſting.

No man ſhall burn any Houſe or Barn, or ſpoile any Corn, Hay or Straw, in ſtacks in the fields; or any Ship, Boat, carriage, or any thing that

that may ſerve for proviſion of the Army, neither at home nor in the enemies Countrey, without order, upon pain of death.

5

None ſhall kill an enemy who yeelds, and throws down his Arms, upon pain of death. Killing an enemy who yeelds.

6

None ſhall ſave a man that hath his offenſive Arms in his hand, upon pain of loſſe of his priſoner. Saving of men armed with offenſive Arms.

7

Whoſoever in skirmiſh ſhall fling away his powder out of his Bandeleers, that he may the ſooner come off, ſhall be puniſhed with death. Flinging away powder.

8

No Souldier ſhall imbeazell any part of the prey, till it be diſpoſed of by the Lord Generall, or others authorized, upon pain of death. Imbezelling of the prey.

9

No officer or Souldier ſhall ranſom or conceal a Priſoner, but within twelve hours ſhall make the ſame known to the Lord Generall, or others authorized, upon pain of death. Concealing of Priſoners.

10

No man upon any good ſucceſſe ſhall fall a pillaging before licence or a ſigne given, upon pain of death. Pillaging without licence.

11

Retreating before handy-blowes.

A Regiment or Company of Horſe or Foot, that chargeth the enemy, and retreats before they come to handy ſtrokes, ſhall anſwer it before a Councel of warr: and if the fault be found in the Officers, they ſhalbe baniſhed the Camp; if in the ſouldiers, then every tenth man ſhall be puniſhed at diſcretion, and the reſt ſerve for Pioners and Scavengers, till a worthy exploit take off that blot.

Of the duties of Commanders, and Officers in particular.

1

Commanders muſt ſee God duely ſerved.

ALL Commanders are ſtraitly charged to ſee Almighty God reverently ſerved, and Sermons and Praiers duely frequented.

2

Commanders muſt acquaint my Lord Generall with dangerous humours.

All Commanders and Officers that finde diſcontented humours, apt to mutinies, or any ſwarving from directions given, or from the policy of the Army ſet down, ſhall ſtraightway acquaint the Lord Generall therewith, or others authorized; as they will anſwer their neglect.

3

Defrauding of Souldiers pay.

Any Officer that ſhall preſume to defraud the

the Souldiers of their pay, or any part of it, ſhall be caſſeered.

4

No Corporall, or other Officer, commanding the watch, ſhall wittingly ſuffer a Souldier to go forth to a Duell or private fight, upon paine of death. Stopping of Duellers.

5

What Officer ſoever ſhall come drunk to his guard, or ſhall quarrell in the quarter, or commit any diſorder, ſhall be caſſeered without mercy; and the next Officer under him ſhall have his place, which he may pretend to as his right, and it ſhall not be refuſed to him. Drunken and quarrelſome Officers.

6

A Captain that is careleſſe in the training and governing of his Company, ſhall be diſplaced of his charge. Careleſſe Captains.

7

All Captains or Officers that ſhall out-ſtay their Paſſe, ſhall be puniſh'd at the Lord Generall his diſcretion. Officers out-ſtaying their Paſſe.

8

All Officers of what condition ſoever, ſhall have power to part quarrels, and fraies, or ſudden diſorders, betwixt the Souldiers, though it All Officers bound to part quarrels.

be in any other Regiment or Company, and to commit the disordered to prison for the present, untill such Officers as they belong unto are acquainted with it. And what Souldier soever shall resist, disobey, or draw his sword against such an Officer, although he be no Officer of his Regiment or Company, shall be punish'd with death.

9

Officers non-residents in Garrison.

A Captain or Officer non-resident in the place assigned him for Garrison, without licence, shall have one moneths pay defaulked for the first offence: and two moneths for the second. Vpon the third offence he shall be discharged of his command.

10

Casseering of Souldiers

After the Armie is come to the generall Rendez-vous, no Captain shall casseere any Souldier that is inrolled, without speciall warrant of the Lord Generall.

11

Mustering of false and counterfeit Troopers.

No Captain of a Troope shall present in the musters any but reall Troopers, such as are bound by their oath and pay to follow the Troope, upon pain of death without mercy. And if any Townes, or Countreyman, Victu-

aller,

aller, Freebooter, Enterloper, or Souldier whatsoever, of any other troop or company, shall present himself or his horse in the muster, to mis-lead the Muster-master, to defraud his Majestie, and to betray the Service, the same shall be punished with death.

12

No Captain of a Troop or Company, shall take into his troop or company any inhabitant of that place where the troop or company is in garrison; upon pain of severe punishment.

Inhabitants of Garrisons must not be souldiers there.

13

No provider, keeper, or Officer of his Majesties victuall or ammunition, shall embeazell or spoil any part thereof, or give any false account to the Lord Generall, upon pain of death.

Commissaries of victuals and ammunition, must be true.

Of the duty of the Muster-Masters.

1

NO Muster-Master shall wittingly let any passe in the musters but such as are really of the troop or company presented, upon pain of death.

Muster-masters conniving at counterfeits.

All

2

Captains must send a roll of their men to the Lord Generall,

All Captains shall cause their Troops and Companies to be full and compleat. And two dayes after the generall mustering, they shall send to the Lord Generall a perfect List or roll of all the Officers of their troops and companies, and likewise of all the Troopers and Souldiers that are in actuall service; putting down distinctly on the head of each man, his monethly pay.

3

Every pay-day.

The like roll or list shall the Captains send to the Lord Generall, and to the Treasurer of the Armie upon every pay-day, during the service, with a punctuall expression at the bottome of the said roll, what new Troopers or Souldiers have been entertain'd since the last pay-day, in lieu of such as are either deceased or cassеer'd; and likewise the day whereon they were so cassеer'd and entertain'd.

4

Subscribed by all the Officers of the Troop or company.

Which said list or roll shall be subscribed not onely by the Captain, his Lieutenant, and Cornet, or Ensеign, but also by the Sergeants and Corporals respectively; who shall declare upon their oaths, that the Troopers and Souldiers inrolled

inrolled in the ſaid Liſt; are reall and actuall Troopers and Souldiers, of the reſpective Troopes and Companies; And whoſoever ſhall be convicted of falſhood in any of the premiſes, ſhall be puniſhed with death.

5

No Muſter-maſter ſhall preſume to receive or accept of any roll to make the Muſters by, but the fore-mentioned rolls upon paine of *the loſſe of his place*, and other puniſhment at diſcretion. Muſter-maſters muſt uſe no other rolls.

6

No man ſhall preſume to preſent himſelf to the Muſter, or to be inrolled in the Muſter-rolls by a counterfeit name, or ſurname, or place of birth, upon paine of death. Counterfeit names in the rolls.

Of Victuallers.

1

NO Victualler ſhall preſume to iſſue or ſell unto any of the Army, unſound, unſavourie, or unwholſome victuals upon paine of impriſonment, and further arbitrary puniſhment. Victuallers iſſuing naughtie victuals.

2.

No Souldier shall be a Victualler without the consent of the Lord Generall, or others authorized; upon pain of punishment at discretion.

No Souldier must be a victualler.

3.

No Victualler shall entertain any Souldiers in his house, tent, or hutt, after the warning peece at night, or before the beating of the Ravalee in the morning.

Vnseasonable hours kept by victuallers.

Of Administration of Justice.

1.

ALL controversies between Souldiers and their Captains, and all others, shall be summarily heard and determined by the Councell of Warre: except the weightinesse of the cause require further deliberation.

Summarie proceedings.

2.

No Provost Marshall shall refuse to keep a prisoner committed to his charge; nor dismisse him being once received, upon paine of being liable to the same punishment which should have been inflicted upon the partie dismissed.

The Provost Marshall must look to his prisoners.

The

3

The goods of such as die in the Armie or Garrison, or be slain in the service, if they make any Will by word or writing, shall be disposed of according to their Will: if they make no Will, then shall go to their wives or next of kinde: If no wife nor kindred appear within one yeer after, shall be disposed of by the appointment of the Lord Generall, according to the Laws Civill and Militarie. Goods of the defunct

4

No Magistrate of Town or Countrey, shall presume without licence to imprison any Souldier, unlesse for capitall offences. Civill Magistrates imprisoning of Souldiers.

5

In matters of debt, or trespasse, or other inferiour causes, the Magistrate shall not lay hands upon any Souldier, but shall acquaint his Captain, or other chief Officer therewith: Who is to end the matter with the consent of the complainant, or to leave the partie grieved to take his remedie by due course of Law. And if the Officer faile of his dutie herein, the Lord Generall upon complaint of the partie grieved, will not onely see him righted, but the Officer punished for his neglect in this behalfe. For debts and small offences.

6

Braving the Court of justice.

No man shall presume to use any braving or menacing words, signes or gestures, while the Court of justice is sitting, upon paine of death.

7

Receiving of Run-awayes.

No inhabitant of Citie, Towne, or Countrey, shall presume to receive any Souldier into his service, or conceale, or use means to conveigh such run-awayes; but shall apprehend all such, and deliver them over to the Provost Marshall, upon pain of punishment at the discretion of the Lord Generall.

8

Detecting of offenders.

All Captains, Officers, and Souldiers shall do their endeavours to detect, apprehend, and bring to punishment all offendors, and shall assist the Officers of the Army for that purpose, as they will answer their slackness in the Marshals Court.

9

Offences whatsoever to be punished by the laws of warre.

All other faults, disorders, and offences not mentioned in these Articles, shall be punished according to the Generall customes and Lawes of warre.

Of

Of the Souldiers Oath.

All Souldiers that are really and actually in his Majesties service, shall take this ensuing Oath.

I Promise and swear to be true and faithfull to my Soveraigne Lord King CHARLES. To obey my Lord Generall, and the Commanders and Officers under Him. To observe the Lawes and Ordinances of VVarre established by Him. To watch and ward, and work in the Service. To wait on my Colours, and to follow them. To indure, suffer, and fight to the last. As GOD shall help me.

AND to the end that theſe Lawes and Ordinances be made more publike and known aſwell to the Officers, as to the common Souldiers; every Colonell and Captain is to provide one of theſe Books. And within a ſhort time after that the Army ſhall come to the generall Rendezvous, theſe Laws, in every ſeverall Regiment, in the preſence of all the Officers are plainly and diſtinctly to be read by the Marſhals of the ſeverall Regiments, aſſiſted by the Marſhall Generall. In the Horſe quarters, by ſound of Trumpet, and amongſt the foot by beat of Drum. And weekly afterwards upon the Pay-day, every Captain is to cauſe the ſame to be read to his own Company in preſence of his Officers. And alſo upon every Main-guard the Captain is to do the like; that none may be ignorant of the duties required, and thereafter govern themſelves.

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FINIS.